

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Gentry et al. Confirmation No.: 6867  
Appl No.: 10/589,173 Group Art Unit: 1644  
Filed: May 15, 2007 Examiner: Michail A. Belyavskiy  
For: STEM CELL POPULATIONS AND METHODS OF USE

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO SUPPLEMENTAL RESTRICTION REQUIREMENT**

This is in response to the Office Action dated November 17, 2009, in which the Examiner requires election of a single disclosed species selected from one of the cell surface markers listed in claims 3 and 55. The Examiner has indicated that claim 1 is generic, and has indicated that the claims will be restricted to the elected species if no generic claims are found to be allowable.

Applicant hereby provisionally elects without traverse the CD45 marker.

Should the Examiner have further questions or comments with respect to examination of this case, it is respectfully requested that the Examiner telephone the undersigned so that further examination of this application can be expedited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/destiny m. davenport/

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